

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Walter Cummings,

Plaintiff,

v.

Patricia L. Caruso, *et al.*,

Defendants.

Case No. 06-14909

DISTRICT JUDGE  
ARTHUR J. TARNOW

MAGISTRATE JUDGE  
DONALD A. SCHEER

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**ORDER REMANDING CASE TO THE MAGISTRATE JUDGE**

In this Section 1983 prisoner civil rights action, a Report and Recommendation [DE 11] was filed on December 27, 2006, recommending that the Court dismiss the action on the basis of a failure to exhaust available administrative remedies. Plaintiff filed a timely objection.

Having reviewed and considered the Magistrate Judge's Report and Recommendation, Plaintiff's objections thereto, and the entire record of the matter, the Court finds insufficient basis for dismissal of Plaintiff's Complaint at this time, in light of the United States Supreme Court's January 22, 2007, decision in *Jones v. Bock*, — U.S. —, 127 S.Ct. 910 (2007).

Therefore, this case is REMANDED to the Magistrate Judge for further consideration in light of the Supreme Court's ruling.

SO ORDERED.

S/ARTHUR J. TARNOW  
Arthur J. Tarnow  
United States District Judge

Dated: June 1, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 1, 2007, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR  
Case Manager